

MARY L. M. MORAN
CLERK OF COURT

72

Civil Case No. 04-00006

VS.

Respondents.

MINUTES

(V) PRELIMINARY PRETRIAL CONFERENCE
(October 5, 2004, 3:30 p.m.)

☐ FINAL PRETRIAL CONFERENCE ☐ STATUS CONFERENCE

Notes: Appearing on behalf of Petitioner Santos was Attorney Michael F. Phillips. Assistant Attorney General Stephen A. Cohen appeared on behalf of the Government of Guam Respondents.

Magistrate Judge Manibusan and counsel discussed whether the appeal filed by Christina M.S. Naputi, former applicant in intervention, automatically divested the Court of jurisdiction to proceed with the Settlement Agreement. Attorneys Phillips and Cohen agreed that Ms. Naputi could take immediate appeal from the denial of her motion to intervene, however, Attorney Phillips noted that to date Ms. Naputi has not sought a stay of these proceedings pending resolution of her appeal.

Attorney Phillips informed the Court that he had prepared an administrative plan as contemplated by the Settlement Agreement and presented this plan to the Government for


1 comment. The Government, however, has not responded to the proposed plan. Accordingly,
2 Attorney Phillips stated that he would file a motion to approve the administrative plan and a
3 motion to set the fairness hearing by next week. Magistrate Judge Manibusan stated that
4 Attorney Phillips should do what he felt was best to move this case along. Magistrate Judge
5 Manibusan also stated that a fairness hearing would have to be held before a district judge.

6 Attorney Cohen advised the Court that the Government was also concerned about the
7 impact the new suit initiated by Charmaine R. Torres¹ may have on this case. The Government
8 of Guam has until the end of October to file a responsive pleading to the complaint in that case.

9 Magistrate Judge Manibusan inquired whether the parties wished to proceed with the
10 Settlement Agreement and fairness hearing, or whether they wished to proceed with a trial.
11 Attorney Cohen stated that he believed that the previous Scheduling Order which set this matter
12 for trial had been mooted by implication when the parties entered into and the Court
13 preliminarily approved the Settlement Agreement. Attorney Phillips stated that he would
14 prepare a stipulation and order which would hold the Scheduling Order in abeyance pending
15 resolution of the Settlement Agreement.

16 The Preliminary Pretrial Conference concluded at 3:55 p.m.

17 Dated: October 5, 2004.

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19 JUDITH P. HATTORI
20 Law Clerk
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¹ See Charmaine R. Torres, *et al.* v. Government of Guam, *et al.*, Civil Case No. 04-00038.